

INFORMATION SHEET

DETERMINATIONS OF NO JURISDICTION FOR ISOLATED, NON-NAVIGABLE, INTRA-STATE WATERS RESULTING FROM U.S. SUPREME COURT DECISION IN SOLID WASTE AGENCY OF NORTHERN COOK COUNTY V. U.S. ARMY CORPS OF ENGINEERS

DISTRICT OFFICE: Saint Paul District

FILE NUMBER: MVP-2004161535

PROJECT MANAGER: Dale J. Pfeiffle

PROJECT REVIEW/DETERMINATION COMPLETED: In the office? Y ☒ N ☐ Date: January 12, 2005
At the project site? Y ☐ N ☐ Date:

PROJECT LOCATION INFORMATION:

State: Wisconsin

County: Racine

Center coordinates of site by latitude & longitude: 42.7668619121N, 88.0848352922W

Approximate size of site/property (including uplands) in acres: 120

Name of waterway or watershed: Upper Fox, Illinois, Wisconsin

Type of Aquatic Resource ¹ :	0-1 ac	1-3 ac	3-5 ac	5-10 ac	10-25 ac	25-50 ac	> 50 ac	Linear Ft	Unknown
Lake									
River									
Stream									
Mudflat									
Sandflat									
Wetlands		X							
Slough									
Prairie Pothole									
Wet Meadow									
Playa Lake									
Vernal Pool									
Natural Pond									
Other Water (identify type)									

¹Check appropriate boxes that best describe type of isolated, non-navigable, intra-state water present and best estimate for size of non-jurisdictional aquatic resource area.

Migratory Bird Rule Factors ¹	If Known		If Unknown Use Best Professional Judgment		
	Yes	No	Predicted to Occur	Not Expected to Occur	Not Able to Make Determination
Is or would be used as habitat for birds protected by Migratory Bird Treaties?			X		
Is or would be used as habitat by other migratory birds that cross state lines?			X		
Is or would be used as habitat for endangered species?				X	
Is used to irrigate crops sold in interstate commerce?				X	

¹Check appropriate boxes that best describe potential for applicability of the Migratory Bird Rule to apply to onsite, non-jurisdictional, isolated, non-navigable, intra-state aquatic resource area.

TYPE OF DETERMINATION: Preliminary ☐ Or Approved: ☒

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ADDITIONAL INFORMATION SUPPORTING njd (e.g., paragraph 1 site conditions; paragraphs 2-3 rationale used to determine NJD, including information reviewed to assess potential navigation or interstate commerce connections; and paragraph 4 site information on waters of the U.S. occurring onsite): **A wetland delineation report was received for review and concurrence.**

The wetland delineation report identified two wetland complexes on the 120-acre project site. The first wetland is confined within a closed depression. A review of the USGS North Cape quadrangle, a 2000 SEWRPC air photo, and the Racine County soil survey verified that the wetland lacks a surface water connection and adjacency to a water of US. In addition, a connection between the wetland and interstate commerce could not be established. The second wetland was located adjacent to a tributary to the Goose Lake Branch Canal, which is tributary to the Muskego Canal, which is tributary to the Fox River, a navigable water of the US and is therefore subject to Corps jurisdiction.

The delineated wetland boundary closely follows the wetland signatures visible on the 2000 air photo and the draft NRCS wetland inventory map for the area. Therefore, the delineated boundary is adequate to establish the limits of Corps jurisdiction.

The project site is under consideration for residential development. Potential wetland impacts were not identified.